

257122/004
(MWS:AEW)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: COTTRELL, Ian et al.

Application No.: 10/800,407

Art Unit: Not yet assigned

Filed: March 12, 2004

Examiner: Not yet assigned

For: IMPROVED ANTHELMINTIC FORMULATIONS

DECLARATION OF IAN COTTRELL, PH.D. UNDER 37 CFR RULE 1.132

I, Ian Cottrell, Ph.D., declare the following:

1. I am an inventor of the subject application and am an employee of the Assignee. I have a Ph.D. in organic chemistry from the University of Edinburgh, Scotland and over thirty years of experience in research and development of specialty chemicals and consumer products. I am familiar with the application. This Declaration is intended to form part of and support the allegation in a Preliminary Amendment of the subject application.

2. The invention relates to an anthelmintic formulation containing a combination of an avermectin, a tetrahydropyrimidine, a hexahydropyrazinoisoquinoline and a benzimidazole or a probenzimidazole; a method for forming an anthelmintic formulation and a method of controlling helminth insect infestation in animals.

3. In Examples 1 and 2 of the application describe that during the preparation of the ivermectin sub-mixture, polyethylene flakes are added to the mixture and then melted by

raising the temperature of the solution. In error, the application as originally filed, stated that this temperature should be $45 \pm 5^{\circ}\text{C}$.

4. The correct melting temperature should be $50 - 65^{\circ}\text{C}$. In my opinion, those in the field of formulating insecticides would know or could readily determine, without undue experimentation, that the melting point of the polyethylene glycol flakes is about $50 - 65^{\circ}\text{C}$. Moreover, if they noticed no melting at a temperature of $45 \pm 5^{\circ}\text{C}$ it would be obvious to one of ordinary skill in the art to increase the temperature beyond $45 \pm 5^{\circ}\text{C}$ to melt the polyethylene glycol flakes, again, without undue experimentation. Therefore, in my opinion, the change does not constitute new matter. Rather, I believe that it improves the application by describing background information of the invention more clearly.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Ian W. Cottrell

Ian Cottrell, Ph.D.

Dated: July 7, 2004